

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

| | | |
|---------------------------|---|------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No.: 3:08-CR-7 |
| |) | (VARLAN/SHIRLEY) |
| MARCUS JARNIGAN, |) | |
| |) | |
| Defendant. |) | |

ORDER

This criminal case is before the Court for consideration of the Report and Recommendation entered by United States Magistrate C. Clifford Shirley on June 11, 2008. [Doc. 36.] There have been no timely objections to the Report and Recommendation,¹ and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived.² See 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(2). Magistrate Judge Shirley recommended that the Court deny Defendant Jarnigan's motion to suppress evidence. [Doc. 15].

The Court has carefully reviewed this matter, including the underlying pleadings and other related materials. [See Docs. 16, 20, 25, 31, 35, 41.] The Court is in agreement with

¹Though no objections have been filed by the parties, the Court notes that the Government filed a Motion to Reconsider Report and Recommendation [Doc. 37] on June 19, 2008, which Magistrate Judge Shirley denied on July 25, 2008. [Doc. 44.]

²The Court previously granted Defendant Jarnigan's request for an extension to file objections to the Magistrate Judge Shirley's report and recommendation until and including August 15, 2008 [Doc. 47], and Defendant Jarnigan filed no objections by the extended deadline date.

Magistrate Judge Shirley's recommendation, which the Court hereby adopts and incorporates into its ruling. Accordingly, Defendant Jarnigan's motion to suppress [Doc. 15] is **DENIED**.

The Court **ACCEPTS IN WHOLE** the Report and Recommendation. [Doc. 36.]

The trial is hereby **SCHEDULED** for Tuesday, September 30, 2008, at 9:00 a.m.

IT IS SO ORDERED.

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE